

EXHIBIT 65

CONFIDENTIAL



Transcript of **Mary Winter**

Monday, May 9, 2022

*National Coalition on Black Civic Participation, et al.
v. Jacob Wohl, et al.*

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Reference Number: 116296

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

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4 NATIONAL COALITION ON BLACK CIVIC PARTICIPATION,
5 MARY WINTER, GENE STEINBERG, NANCY HART, SARAH
6 WOLFF, KAREN SLAVEN, KATE KENNEDY, EDA DANIEL and
ANDREA SFERES,

7 Plaintiffs, Civil Action No.

8 -and- 1:20-cv-08668-VM-OTW
9

10 People of the STATE OF NEW YORK, by its Attorney
11 General, LETITIA JAMES, ATTORNEY GENERAL OF THE
STATE OF NEW YORK

12 -vs-

13 JACOB WOHL, JACK BURKMAN, J.M. BURKMAN & ASSOCIATES,
14 LLC, PROJECT 1599, MESSAGE COMMUNICATIONS, INC.,
ROBERT MAHANIAN and JOHN and JANE DOES 1-10

15 Defendants.

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18 Deposition of MARY WINTER, Plaintiff, herein,
19 taken by Defendant, pursuant to Notice via Zoom, on
20 Monday, May 9, 2022, at 1:20 p.m., before Deirdre
21 Smith, a stenographer and notary public within and
22 for the State of New York.
23
24
25

1 A P P E A R A N C E S

2

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1 A P P E A R A N C E S (continued)

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17 BY: COLLEEN FERITY, ESQ.

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1 Steinberg?

2 A. Soon after I listened to it.

3 Q. How did you share it with him?

4 A. I played him the recording.

5 Q. How did you play it? Through the phone?

6 Through the computer? Something different?

7 A. Through the email.

8 Q. And why did you play it for him?

9 A. Because I wanted him to hear it.

10 Q. Why did you want him to hear it?

11 A. So that I could discuss it with him.

12 Q. Why did you want to discuss it with him?

13 A. Because I was horrified and outraged and
14 wanted to discuss. Mr. Steinberg live with me and
15 he was within a few feet of me.

16 Q. What was the nature of that conversation
17 after you played him the robocall?

18 A. We were outraged and horrified at the
19 content of the call.

20 Q. Okay. What specifically were you
21 horrified and outraged about?

22 A. The outrageous claims and intimidating
23 within the call.

24 Q. Can you be more specific?

25 A. No.

1 Q. You're unable to articulate what you found
2 to be outrageous about the robocall; is that fair to
3 say?

4 A. Can you clarify what you're asking?

5 Q. Sure. Why did you think at the time you
6 heard the robocall that it was outrageous?

7 A. Because it made outrageous claims that
8 were intimidating to voters.

9 Q. What specifically about the claims did you
10 feel to be outrageous or intimidating?

11 A. Most of it.

12 Q. Okay. What specifically?

13 A. The fear mongering about vaccines. The
14 threats about outstanding debts and people with
15 criminal histories. All of these I found to be
16 extremely distressing.

17 Q. Why did you find it to be distressing?

18 A. Because if people were to believe the
19 claims made in that it would undermine our ability
20 to have faith in our democracy.

21 Q. Do you believe that the entire substance
22 of the robocall was false?

23 MS. ROEHRS: Objection.

24 A. No.

25 Q. What portions do you believe to be true?

1 A. Which question are you asking?

2 Q. With regards to be offended I'm asking you
3 what type of offenses are adequate to bring a
4 lawsuit in your opinion?

5 MS. ROEHRS: Objection.

6 A. Again, it would depend on the offense. I
7 would not want to -- I don't know.

8 Q. Have you ever offended anybody?

9 MS. ROEHRS: Objection.

10 A. I don't know.

11 Q. Would you expect to be sued if you
12 offended somebody?

13 MS. ROEHRS: Objection.

14 A. It would depend on the offense.

15 Q. In what situation would you expect to be
16 sued by somebody you offended?

17 A. If I had intimidated them against voting.

18 Q. Were you intimidated against voting?

19 MS. ROEHRS: Objection.

20 A. By mail, yes.

21 Q. But did you vote?

22 A. Yes.

23 Q. Any other reason you might think it was
24 legitimate to sue somebody because you were
25 offended?

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C E R T I F I C A T I O N

THIS IS TO CERTIFY, THAT I, DEIRDRE M. SMITH,
on Monday, May 9th of 2022, reported the proceedings
contained in the foregoing 84 pages at the time and
place as set forth in the heading in the foregoing
matter. That the transcript is a true and accurate
transcription of my stenographic notes, using
Computer Aided Transcription, to the best of my
ability.

IN WITNESS WHEREOF, I have hereunto set my had
this 23rd day of May, 2022.



Deirdre M. Smith